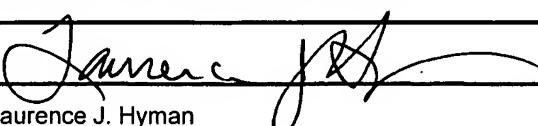


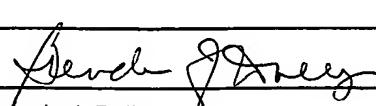
IAP10 Rec'd PCT/PTO 25 NOV 2005
PCJ

FPOES/21 (09-04)

O I P E TRANSMITTAL FORM NOV 25 2005 <small>(This form is to be used for all correspondence after initial filing)</small>		Application Number 10/527,557
Total Number of Pages in This Submission	11	Filing Date March 20, 2005
		First Named Inventor Carl N. Kraus et al.
		Art Unit
		Examiner Name
		Attorney Docket Number 015280-474200US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Status Letter
	<input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard; Transmittal Letter - Response to Notification of Missing Requirements Under 35 USC 371 (in duplicate); Declaration (4 sheets); and Copy of Notification of Missing Requirements Under 35 USC 371.
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Laurence J. Hyman		
Date	Nov. 21, 2005	Reg. No.	35,551

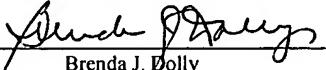
CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Brenda J. Dolly	Date	Nov. 21, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

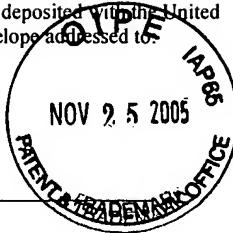
Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On Nov 21, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: 

Brenda J. Dolly



PATENT

Attorney Docket No.: 015280-474200US

Client Reference No.: E-286-2002/2-US-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Carl N. Kraus et al.

Application No.: 10/527,557

Filed: March 20, 2005

For: AEROSOLIZED CAPREOMYCIN
FOR INHIBITION OF PULMONARY
TUBERCULOSIS

Customer No.: 45115

Confirmation No.: 7454

Examiner:

Art Unit:

TRANSMITTAL LETTER – RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371

Attn: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Notification of Missing Requirements Under 35 U.S.C. 371 In
The United States Designated/Elected Office (DO/EO/US), dated September 19, 2005, enclosed
are the following to be made of record in the above-identified application:

- 1) Executed Declaration (4 sheets); and
- 2) Notification of Missing Requirements Under 35 U.S.C. 371 In The United
States Designated/Elected Office (DO/EO/US).

Carl N. Kraus, Clifton E. Barry
Application No.: 10/527,557
Page 2

PATENT

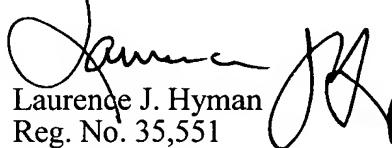
Please charge Deposit Account No. 20-1430 for the following fees:

(g) Missing Parts Surcharge 130

TOTAL FEES TO BE CHARGED \$130

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in duplicate.

Respectfully submitted,



Laurence J. Hyman
Reg. No. 35,551

Customer No. 45115

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415 576-0300
LJH:bjd

60641815 v1



UNITED STATES PATENT AND TRADEMARK OFFICE

015280-474200US
 LJH, SF
 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/527,557	Carl N Kraus	015280-474200US
INTERNATIONAL APPLICATION NO.		
PCT/US03/28889		
I.A. FILING DATE	PRIORITY DATE	
09/12/2003	09/12/2002	

20350
 TOWNSEND AND TOWNSEND AND CREW, LLP
 TWO EMBARCADERO CENTER
 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 7454
 371 FORMALITIES LETTER



OC000000016596868

Response Due 11/19/05

Date Mailed: 09/19/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/10/2005
- Copy of the International Search Report filed on 03/10/2005
- Copy of IPE Report filed on 03/10/2005
- Request for Immediate Examination filed on 03/10/2005
- U.S. Basic National Fees filed on 03/10/2005
- Priority Documents filed on 03/10/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

BCC

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/527,557	PCT/US03/28889	015280-474200US

FORM PCT/DO/EO/905 (371 Formalities Notice)